

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:04-MJ-711

v.

HON. ROBERT HOLMES BELL

JOEL TIMOTHY ZOPHY,

Defendant.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is a Report and Recommendation (docket #27) issued by Magistrate Judge Ellen S. Carmody recommending that the Court enter an order granting the government's motion for involuntary medication of defendant, and further recommending that such be contingent upon implementation of a plan to assure that defendant can be administered the medication(s) and monitored for side effects after his release from the U.S. Medical Center for Federal Prisoners. Defendant has filed objections to the Report and Recommendation (docket #28).

Defendant's primary objections appear to be that there is not an important governmental interest in trying to convict or "lock up" defendant. Further, the defendant questions whether the involuntary medication is necessary to further the government's interest. The defendant also raises the issue of what, if any, side effects the defendant

may experience, and whether the medications are medically appropriate.

Upon review, the Court is satisfied that the Report and Recommendation correctly analyzes the issues presented, including those raised in defendant's objections. Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation is approved and adopted as the opinion of this Court.

IT IS FURTHER ORDERED that the government's motion for involuntary medication of defendant (docket #24) is **GRANTED**, contingent upon implementation of a plan to assure that defendant can be administered the medication(s) and monitored for side effects after his release from the United States Medical Center for Federal Prisoners.

Date: June 24, 2005

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE